

INTERMEDIATE COURT OF APPEALS OF THE STATE OF HAWAI‘I

Horcajo III v. State

Horcajo III · No. CAAP-25-0000259 · Decided December 22, 2025

SUMMARY

The Hawai‘i Intermediate Court of Appeals dismissed Ernest Horcajo III's appeal because he failed to file the required statement of jurisdiction and opening brief by the extended deadline. The court acted under Hawai‘i Rules of Appellate Procedure Rules 12.1(e) and 30 after Horcajo failed to take further action following a default notice.

CASE DETAILS

COURT	Intermediate Court of Appeals of the State of Hawai‘i
WRITING FOR THE COURT	Keith K. Hiraoka; Sonja M.P. McCullen; Kimberly T. Guidry
JURISDICTION	Intermediate Court of Appeals of the State of Hawai‘i
DECIDED	December 22, 2025
DOCKET	CAAP-25-0000259
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner-Appellant appealed from the Circuit Court of the Third Circuit but failed to file the required statement of jurisdiction and opening brief after receiving an extension and default notice.
PRECEDENTIAL VALUE	Nonprecedential unpublished order; the opinion is marked not for publication in the West's Hawai‘i Reports and Pacific Reporter.
PARTIES	Ernest Horcajo III v. State of Hawai‘i

TOPICS

- appellate procedure
- default
- civil procedure

PRACTICE AREAS

- appellate procedure
- civil procedure

QUESTIONS PRESENTED

1. Whether the appeal should be dismissed when the appellant fails to file the required statement of jurisdiction and opening brief by the extended deadline and takes no further action after receiving a

default notice.

HOLDINGS

1. The appeal was dismissed because the appellant failed to file the statement of jurisdiction and opening brief by the extended deadline and took no further action.

KEY QUOTATIONS

“Horcajo has failed to file the statement of jurisdiction and the opening brief, and has not taken any further action in this appeal.” (2)

“Therefore, IT IS HEREBY ORDERED that the appeal is dismissed.” (2)

FACTUAL BACKGROUND

Horcajo filed a notice of appeal and the appellate record was subsequently filed. The appellate court granted him an extension of time to file a statement of jurisdiction and opening brief. After he failed to meet the extended deadline, the appellate clerk issued a default notice advising that dismissal could result and that relief from default could be sought. Horcajo did not file the required documents or take further action.

PROCEDURAL HISTORY

Horcajo filed a notice of appeal on March 27, 2025. After the record was filed, he requested and received an extension until September 8, 2025 to file his statement of jurisdiction and opening brief. He failed to file either document or take further action, and the Intermediate Court of Appeals dismissed the appeal.

DISPOSITION

dismissed

OPINION

PER CURIAM.

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER
Electronically Filed Intermediate Court of Appeals CAAP-XX-XXXXXXX 22-DEC-2025 08:02
AM Dkt. 22 ODSO NO. CAAP-XX-XXXXXXX IN THE INTERMEDIATE COURT OF
APPEALS OF THE STATE OF HAWAII ERNEST HORCAJO III, Petitioner-Appellant, v.
STATE OF HAWAII, Respondent-Appellee. APPEAL FROM THE CIRCUIT COURT OF THE
THIRD CIRCUIT (CASE NO. 3CPN-XX-XXXXXXX) ORDER DISMISSING APPEAL (By:
Hiraoka, Presiding Judge, McCullen and Guidry, JJ.)

Upon review of the record, it appears that: (1) Self-represented Petitioner-Appellant Ernest Horcajo III (Horcajo) filed the notice of appeal in this case on March 27, 2025. The record on appeal was filed on May 22, 2025.

The JS and OB were due, without extension, on June 2, 2025 and July 1, 2025, respectively. Hawai'i Rules of Appellate Procedure (HRAP) Rules 12.1(a), 28(b). (2) On April 17, 2025, Horcajo filed a motion for extension of time requesting he be given more time to file motions or briefs.

On August 7, 2025, this court granted the motion in part and extended the time to file both the statement of jurisdiction and opening brief to September 8, 2025. (3) On September 15, 2025, the appellate clerk entered a default notice, stating the time for filing both the statement of jurisdiction and opening brief had expired on September 8, 2025; the matter would be called to the court's attention on September 25, 2025 for action that could include dismissal, NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER pursuant to HRAP Rules 12.1(e) and 30; and that Horcajo could seek relief from default by motion.

(4) Horcajo has failed to file the statement of jurisdiction and the opening brief, and has not taken any further action in this appeal. Therefore, IT IS HEREBY ORDERED that the appeal is dismissed. DATED: Honolulu, Hawai'i, December 22, 2025. /s/ Keith K. Hiraoka Presiding Judge /s/ Sonja M.P. McCullen Associate Judge /s/ Kimberly T. Guidry Associate Judge 2